

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/040,082	STOCKL, LUDWIG <i>AL</i>	
	Examiner Arlen Soderquist	Art Unit 1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the papers filed 5-2-02.
2.  The allowed claim(s) is/are 25-53.
3.  The drawings filed on 26 October 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3-15-02,7-8-02
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other IDS received 5-21-02.

Art Unit: 1743

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barbara E. Johnson on November 2, 2004.

The application has been amended as follows:

The paragraph at page 1, line 33 to page 2, line 11 has been amended as follows.

-- To this end the invention provides a process This object is achieved according to the invention by the process described in patent claim 1 for the parallel preparation of at least 4n oligonucleotides. In the process according to the invention, at least four inserts each with n reaction vessels ( $n \geq 1$ ) are arranged on or in a plate such that a first insert is at a first station, a second insert is at a second station, a third insert is a third station, and a fourth insert fourth station. Each reaction vessel contains an initiator base which is necessary for the synthesis of oligonucleotides and is bound, for example, to an inert carrier. Instead of an initiator base, it is also possible to use a so-called universal carrier known to experts. Porous glass, so- called controlled pore glass (CPG), can be used e.g. as the carrier material. A series of operations for oligonucleotide synthesis is then carried out in parallel at the four stations mentioned.--

2. The following is an examiner's statement of reasons for allowance: the art of record fails to teach or fairly suggest a method or apparatus as claimed in which there are at least four stations configured to perform the process steps as required by claim 25. the two most relevant pieces of art are the Heyneker (US 6,264,891) and McLuen (US 6,270,730) patents. Both have banks or groups of reaction vessels that are movable relative to a dispensing system. The Heyneker differs from the instant claims in that it breaks down some of the instantly claimed processes occurring at a single station in the instant claims into a plurality of stations. While teaching that the number of stations can vary, it does not teach or fairly suggest the grouping of processes into the stations as required by the instant claims. The McLuen reference also does not

teach or fairly the instantly claimed processes into the four required stations as required by the instant claims

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additionally cited art relates to the synthesis of polynucleotides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arlen Soderquist whose current telephone number is (571) 272-1265 as a result of the examiner moving to the new USPTO location. The examiner's schedule is variable between the hours of about 5:30 AM to about 5:00 PM on Monday through Thursday and alternate Fridays.

A general phone number for the organization to which this application is assigned is (571) 272-1700. The fax phone number to file official papers for this application or proceeding is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



November 29, 2004

ARLEN SODERQUIST  
PRIMARY EXAMINER